Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	DOCKET FILE COPY ORIGINAL
	)	
Telecommunications Services Inside Wiring: Customer Premises Equipment	)	CS Docket No. 95-184
	)	

COMMENTS OF TELECOMMUNICATIONS INDUSTRY ASSOCIATION/UPED

The User Premises Equipment Division of the Telecommunications Industry Association ("TIA/UPED") hereby comments on the Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding, FCC 95-504, released January 26, 1996. TIA/UPED's membership of more than 240 companies and organizations includes manufacturers, suppliers, distributors, consultants, test laboratories, and others with an interest in equipment and distribution systems used at a customer's premises both residential and commercial.

Earlier in this proceeding, TIA/UPED urged the FCC to enlarge subscriber access to cable service premises wiring beyond that required in the 1992 amendments to the Communications Act, "for the delivery of competing and complementary telecommunications services."[1] TIA/UPED supports the accredited standards activities of the American National Standards Institute ("ANSI") for its industry segment and also is working jointly with the Society of Cable Telecommunications Engineers ("SCTE") on technical areas of interest to the respective consumer, telecommunications, and cable industries.

---

1 Comments, RM No. 8380, December 21, 1993, 4

Demarcation Point

As recommended by The Electronic Industries Association/Consumer Electronics Group ("EIA/CEG") in its comments on RM No. 8380, the Notice gives considerable weight to the analogous case of telephone wiring and customer premises equipment. TIA/UPED has observed a trend in industry practice to place the single-unit dwelling demarcation point within 12 inches inside to just outside of the customer's premises, which harmonizes with the cable service premises wire rule adopted in 1993.[2] This development suggests the essential rationality of ready access to accommodate both deregulation of telecommunications customer premises equipment and inside wire and competition in telecommunications and cable services provision. Therefore, TIA/UPED sees no need to change the cable TV demarcation rule for single dwelling units.

For multiple unit installations, a common demarcation point inside the building would provide the interface most economically, especially considering any termination equipment required by new technologies. Present regulations do not make for uniformity. A telephone company may establish a "reasonable and non-discriminatory practice," which for installations after 1990 was further defined to mean "minimum point of entry." However, if the telephone company does not establish a practice, the building owner may select single or multiple demarcation points. In the latter case, with reference to individual dwelling units, the demarcation may be no farther inside the unit than the 12 inches previously mentioned. Section 68.3(b)(1) and (2).

---

2 *Cable Wiring Order,* 8 FCC Rcd 1435. Although the Part 68 single-unit demarcation rule typically is read on the basis of its 12-inch limit inside the dwelling, that simply represents the farthest penetration. Taking the 12-inch measurement in the other direction, from the inside of the building wall outward, allows for an exterior demarcation point. Many service providers use Network Interface Devices ("NIDs") containing a station protector and a Network Interface Jack ("NIJ") located on an outside wall.

A cable operator's demarcation point for multiple unit buildings, on the other hand, remains at the 12-inch exterior point unless the cable is "loop-through" or some other type of series wire. There is no mention of building owner choice. Section 76.5(mm)(2)

The Notice's mention of the complementary forces of technological convergence and competition in the telephone and cable industries is reinforced by the Telecommunications Act of 1996, P.L.104-104, which adds to the enumerated modes of video delivery a concept of "open video systems" that would be regulated partly under Title VI, but would also resemble common carriage in terms of access by non-affiliated programmers, yet not be regulated under Title II.[3] In the new environment, maintenance of separate demarcation points for the two converging industries would be unduly confusing to the service provider and installer as well as the building owner and subscriber.

For these reasons, TIA/UPED recommends as much uniformity as possible in the treatment of demarcation points. From its close working relationship with the cable industry in standards-setting and other activities, TIA/UPED is aware of cable operator concerns that common demarcation may represent a code phrase for "one wire." In TIA/UPED's view, uniformity in demarcation makes sense independently of the number of paths to the customer. The Telecommunications Act of 1996 supports "facilities-based" competition and the FCC should not exclude such options at the customers' premises.

As noted by EIA/CEG earlier, the "CXBus" topology for coaxial cable delivery of video signals from within or without the home contemplates dual cables in a single premise. For economic and aesthetic reasons, they should be

---

3 Section 302(a) of the 1996 Act creates a Section 653 in Title VI of the Communications Act of 1934, as amended.

installed and maintained together, not separately. (EIA/CEG Comments, RM No. 8380, 7)

Connections

TIA/UPED acknowledges that the use of improper coaxial cable and faulty installations can contribute to signal leakage possibly interfering with safety-sensitive radio communications. However, under the inside wire conditions at issue here -- leaving aside the accident of "cable cuts" more likely to occur in service provider networks -- leakage hazards can be diminished through minimum cable performance specifications and detailed customer installation guides.

TIA's Engineering Committee, TR-41, is following up -- through Subcommittee TR-41.8 -- on the application of its work to residential and light commercial telecommunications wiring standards to standards for cable wiring. In this regard, TR 41.8 is working closely with SCTE to ensure that the resulting standard adequately specifies technical requirements and components to minimize any chance of signal leakage. Of course, customer ownership of video cable should carry with it emphatic educational efforts and warnings about the consequences of detaching or improperly connecting drop or premises cable that is still "live" at the distribution tap.

TIA/UPED submits that the new potential for multiple video service providers calls for an interface specification at the common demarcation point, so that customers know what level of service to expect. The requirements for the signal at that point could be those set forth in Sections 76.601-605 for the subscriber terminal. Picture quality seems to be a marketplace issue best left to customer premises equipment providers.

Simple and Complex Wire

In today's environment, TIA's and other standards, as well as technological advances, have all but removed the old threats of harm and obviated the need for a complex wire classification. The minimum point of entry provisions for those multiunit buildings most likely to contain system wire amount to an open access policy for the placing and connection of premises wiring. The policy has been supported by the telecommunications industry through the development of standards and methods Any regulation of premises wiring for either cable or telecommunications service must protect networks from harm without interfering in the development and implementation of new technologies.

Customer Access to Wiring

TIA/UPED sees no reason to change the policies that have led to customer control of telecommunications premises wiring. On similar grounds of competition-induced economy and service diversity, the FCC should take the next step and give the cable subscriber control over cable premises wire, from the point of service initiation, not just at termination of service.

By allowing cable consumers to own or lease their own premises wire, they can make choices about quality, configuration and usage. It becomes easier for them to shift between cable operators and alternative service providers (or to take from each). If the threats of harm from cable signal leakage give additional force to commercial maintenance contracts in aid of the subscriber, the marketplace is likely to respond to the needs of educated customers.

Just as telephone companies were compensated through depreciation or other means for their investments in premises wire, so should the cable operator be permitted to recoup its investment in a fashion that will minimize or eliminate any incentives to disrupt service by removal of in-place wire.

Dual Regulation

The complications of federal-state shared responsibility for telecommunications and federal-local shared responsibility for cable service have been diminished somewhat -- and to a degree that will evolve with administrative and judicial interpretation -- by the Telecommunications Act of 1996. The common denominator of federal supremacy is reinforced by the general approach of the 1996 legislation, which is to cut across the interstate-intrastate boundary in the interest of promoting competition through ease of entry.

To the extent that telecommunications and cable services come to be delivered over common facilities, the following provisions of the 1996 Act would seem to be pertinent:

- Section 303, preempting franchising authority regulation of telecommunications services;

- Section 301(e) and (f), respectively concerning cable system freedom of choice in subscriber equipment and transmission technology, and cable equipment compatibility;

- Section 304, competitive availability of navigation devices;

- And, quite broadly, new Section 253 of the Communications Act established in Section 101, removing state and local barriers to entry in telecommunications services, intrastate or interstate.

Taken together, these lead in the same direction of common federal limits on regulation -- where states and localities may regulate less, but not more -- as came to be applied to telephone terminal equipment rules by administrative and judicial authority in the 1970s and 1980s.

Service Provider Access to Private Property

Part of the answer to parity of access, which TIA/UPED believes to be an appropriate policy goal, lies in establishment of common demarcation points. If that means more control over delivery by building owners on behalf of their multiple tenants, the price the owner pays is greater responsibility for the successful completion of the communication. In a competitive environment, the owner need not supervise the process, for he or she can purchase the needed oversight.

As in the discussion immediately above, the Telecommunications Act of 1996 needs to be considered. On the one hand, multiunit dwellings whose video communications service makes no use of public rights of way are no longer considered cable systems, regardless of the ownership of the buildings.[4] This removes them from the developing law of cable operator access, reviewed briefly at ¶60 of the Notice.

On the other hand, the previously mentioned new Section 253 of the Communications Act, forbidding state and local regulations or legal requirements that directly or effectively prohibit entry into telecommunications services, could become an aid to accessing private property for (1) competitive telephony providers, including (2) cable operators who seek to deliver voice messages, and who may choose to do so through facilities commonly used to transmit video programming. Subsection (d) authorizes federal preemption of state or local legal requirements that merely "permit" -- without directly imposing -- barriers to provision of any intrastate or interstate service.[5]

---

4 Section 301(a)(2), amending Section 602(7) of the Communications Act.

5 The new statute, of course, does not and was not intended to resolve constitutional confiscation ("takings") issues that may attend legally required entry onto private property.

Customer Premises Equipment

Whatever may evolve, cable networks do not yet have that public character which led to the adoption, and continues to motivate the refinement, of Part 68 as a safeguard against harm. The radio frequency ("RF") interference rules, including those targeting cable signal leakage, together with the cable equipment compatibility provisions of the 1996 and 1992 legislation, would seem to provide discrete approaches to particular kinds of consumer protection and to obviate the need for any general equivalent of the telephone Part 68.

CONCLUSION

For the reasons discussed, TIA/UPED urges the Commission to establish the maximum feasible uniformity in provider network demarcations at customer premises. Just as subscriber control of telecommunications premises wire enhanced competition, economy and diversity of choice, so can these benefits be expected to flow from cable customer control -- from the point of service initiation. Since much of the drafting of the Notice appears to have occurred prior to the adoption of the Telecommunications Act of 1996, that recent legislation needs to be consulted for help in resolving the issues posed.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION/UPED

By _____

Ronald Angner, Chair
TIA User Premises
Equipment Division
2500 Wilson Boulevard
Arlington, Virginia 22201

James R. Hobson
Donelan, Cleary, Wood & Maser
1100 New York Avenue N.W.
Suite 750
Washington, D.C. 20005-3934
(202) 371-9500

ITS ATTORNEY

March 18, 1996

Certificate of Service

I hereby certify that I have caused to be delivered on this 18th day of March, 1996, by hand or by first class-mail, postage prepaid, copies of the foregoing COMMENTS OF TELECOMMUNICATIONS INDUSTRY ASSOCIATION/UPED to the following:

MEREDITH JONES - BY HAND
Chief, Cable Services Bureau
Room 918
Federal Communications Commission
2033 M Street, N.W.
Washington, D.C. 20554

WILLIAN VON ALVEN - BY HAND
Common Carrier Bureau
Room 6106
Federal Communications Commission
2025 M Street, N.W.
Washington, D.C. 20554

GIGI B. SOHN
ANDREW JAY SCHWARTZMAN
Media Access Project
Suite 400
2000 M Street, N.W.
Washington, D.C. 20036

MARY MCDERMOTT
Vice President & General Counsel
U.S. Telephone Association
1401 H Street, N.W.
Suite 600
Washington, D.C. 20005

PHILLIP MINK
Citizens for a Sound Economy Foundation
1250 H Street, N.W.
7th Floor
Washington, D.C. 20005

Jacqueline A. Spence